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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER
PRABHAKHER, PRITHAM DAVID

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/596,383	VAU ET AL.
	Examiner	Art Unit	
	PRITHAM PRABHAKHER	2622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 June 2006*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *12 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *06/12/06*

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06) **Office Action Summary** Part of Paper No./Mail Date 20090121

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-6 recite the limitation "the release" and "the picture-taking release" in the last part of each of the claims 3-6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-12 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Berstis (GB 2347834A).

*In regard to **Claim 1**, Berstis discloses a method of enhancing digital images captured by a camera (digital image captured by camera), with contextual data (data from GPS device), comprising:*

*a) searching (100), in the camera's use environment, for local distribution data transmitters (The first computing device (camera) searches for and communicates with another computing device (GPS), **Page 2, Lines 7-27; Page 6, Lines 15 et seq.**),*

*b) establishing (102) communication with the transmitters present in the communications environment (The camera (first pervasive computing device) establishes a connection with the GPS devices (second pervasive computing devices), **Page 6, Line 15 to Page 7, Line 26; Page 10, Lines 9-17; Figures 3-5**),*

*c) receiving (104) contextual data transmitted by the transmitters (GPS information is received by the camera, **Page 6, Line 15 to Page 7, Line 26; Page 10, Lines 9-17; Figures 3-5**), and,*

*d) linking (122) at least part of the contextual data to the image data relating to the images captured in said use environment (The GPS data is stored with the images captured by the digital camera, **Page 7, Lines 15 to 26**).*

*Regarding **Claim 2**, Berstis discloses a method according to claim 1, wherein the execution of step d) follows a picture-taking release, for image data capture. It is inherent that linking at least part of the contextual data to the image data relating to the images captured in said use environment follows a picture-taking release for image data capture. It is inherent because the reference indicates that an image is already stored in*

the memory when a given digital photograph is associated with it *(Page 7, Lines 15 to 26)* indicating that a picture-taking release must have first been performed.

With regard to **Claim 3**, Berstis discloses a method according to claim 1, wherein at least one of the steps a), b) and c) takes place in a standby phase preceding the release *(A connection can be established with another computing device prior to capturing an image. When a user having a first pervasive device approaches another pervasive computing device, a given code is selected to which the user desires their device to respond, **Page 10, Lines 9-14**)*.

With regard to **Claim 4**, Berstis discloses a method according to claim 1, wherein at least one of the steps a), b) and c) takes place in a standby phase following the release *(After a picture is captured. The camera can establish a connection with another pervasive device. Again, a given code is selected to which the user desires their device to respond, **Page 10, Lines 9-14**)*.

With regard to **Claim 6**, Berstis discloses a method according to claim 1, wherein step d) is delayed compared with the picture-taking release. It is inherent that linking at least part of the contextual data to the image data relating to the images captured in said use environment follows a picture-taking release for image data capture. It is inherent because the reference indicates that an image is already stored in the memory when a given digital photograph is associated with it *(Page 7, Lines 15 to 26)* indicating

that a picture-taking release must have first been performed which would also indicate a

delay in the two steps discussed.

*Regarding **Claim 7**, Berstis discloses a method according to claim 1, wherein*

step a) comprises the detection of carrier waves capable of coming from local

distribution data transmitters, and the identification of the communication protocols used

*in said transmitters (**Page 8, Lines 21-29; Page 10, Lines 9-17; Figures 3-5**).*

*With regard to **Claim 8**, Berstis discloses* a method according to claim 1, wherein

step b) comprises the interrogation of the local distribution data transmitters *(**Page 8,***

***Lines 21-29; Page 10, Lines 9-17; Figures 3-5**).*

*In regard to **Claim 9**, Berstis discloses a method according to claim 1, wherein*

step b) comprises the sending of a program code to the environment's transmitters, to

cause the sending by these transmitters of contextual data (The camera sends a

*program code to facilitate data transfer between devices, **Page 10, Lines 35 et seq.**).*

*Regarding **Claim 10**, Berstis discloses a method according to claim 1, wherein*

step d) comprises, for any contextual data received (Data from GPS), the selection of a

valid time slot (time information), and the linking of the contextual data to the data of

each image captured in the valid time slot (Each type of information including time

information is provided with a code and an associated data structure. This data is linked with the data of an image, *Page 7, Lines 15 to 26; Page 9, Lines 35 et seq.)*.

With regard to **Claim 11**, Berstis discloses a method according to claim 10, wherein the time slot is set according to an equipment type (participating computing device) from which the contextual data comes *(There exists a set of code assignments and data structures for use by participating pervasive computing devices. Each type of information (time information) is provided with a code and an associated data structure. Therefore, the time slot is set according to an equipment type from which the contextual data comes, Page 9, Line 34 to Page 10, Line 17)*.

Regarding **Claim 12**, Berstis discloses a method according to claim 1, wherein step d) comprises the saving of the contextual data as metadata linked to the image data *(Page 7, Lines 15 to 26; Page 9, Lines 35 et seq.)*.

Regarding **Claim 19**, Berstis discloses a camera comprising:

local communications interface *(The first computing device (camera) has an interface that searches for and communicates with another computing device (GPS), Page 2, Lines 7-27; Page 6, Lines 15 et seq.)*,

means of recognition and interrogation of local distribution data transmitters using the interface *(Page 8, Lines 21-29; Page 10, Lines 9-17; Figures 3-5), and*

memory for recording images linked to data coming from local distribution

transmitters (The GPS data is stored with the images captured by the digital camera,

Page 7, Lines 15 to 26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Berstis (GB 2347834A).

*Regarding **Claim 17**, Berstis does not explicitly disclose a method according to*

claim 1, wherein the contextual data contain at least one uniform resource locator

address (URL). Official notice is taken by the examiner on having the contextual data

contain a URL. It would have been obvious to include URL's as metadata to an image

because they provide access to websites that could have information on an image to be

captured.

*In regard to **Claim 18**, Berstis does not explicitly disclose a method according to*

claim 1, also comprising a step of reading the image data and contextual data,

searching for multimedia data by using the contextual data as a pointer. However,

official notice is taken by the examiner on reading the image data and contextual data,

searching for multimedia data by using the contextual data as a pointer. It would have

been obvious to use the contextual data as a pointer for searching for the multimedia

data, because this is what metadata is commonly used for.

As for the simultaneous reproduction of multimedia content corresponding to the

multimedia data and the image corresponding to the image data, official notice is taken

again by the examiner on the reproduction of multimedia content corresponding to the

multimedia data and the image corresponding to the image data. It would have been

obvious to reproduce/display the contents of the multimedia data along with the image

captured so that the user could view the contents

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Berstis (GB 2347834A) as applied to claim 1 above and further in view of

Tsubaki et al. (US Pub No.: 2002/0101619A1)

*Regarding **Claim 5**, Berstis does not explicitly disclose a method according to*

claim 1, wherein step d) is concomitant with the picture-taking release. Tsubaki et al.

disclose linking at least part of the contextual data to the image data relating to the

images captured in said use environment accompanying the picture taking release

*(**Paragraph 0181 of Tsubaki et al.**). It would have been obvious to one of ordinary skill*

in the art at the time of the invention to link part of the contextual data to the image data

relating to images captured in connection with a picture taking release because this saves the user time in linking the contextual data to the image data.

*In regard to **Claim 13**, Berstis does not explicitly disclose a method according to claim 1, wherein step d) comprises the linking to the image data of a pointer pointing to the contextual data stored in a database. Tsubaki discloses a camera 30 that is in communication with other devices including a database **(Figure 1 of Tsubaki)**. The camera links image data (patient ID information) with an image of a patient **(Abstract and Paragraph 0085 of Tsubaki)**. The image/patient ID/data is acquired using a reader (pointer) and this is stored in the computer 12 and transferred to the camera 30 **(Paragraphs 0070-0072 of Tsubaki)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate data into a database for transmittal into the camera using a pointer such as a barcode scanner, because this allows large amounts of information to be stored external to a camera and imported with ease into the camera by simply using a scanner to acquire the image data information.*

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (GB 2347834A) and Tsubaki et al. (US Pub No.: 2002/0101619A1) as applied to claims 1 and 13 above and further in view of Braun et al. (US Patent No.: 7082444B2)

*In regard to **Claim 14**, Berstis and Tsubaki et al. disclose a method according to claim 13, wherein step d) comprises the saving of the contextual data in a database*

(112), and the ling to the contextual data of a coded graphic array (114), that can be used as a pointer. Tsubaki discloses a camera 30 that is in communication with other devices including a database *(Figure 1 of Tsubaki)*. The camera links image data (patient ID information) with an image of a patient *(Abstract and Paragraph 0085 of Tsubaki)*. The image/patient ID/data is acquired using a reader (pointer) and this is stored in the computer 12 and transferred to the camera 30 *(Paragraphs 0070-0072 of Tsubaki)*. However, Berstis and Tsubaki et al. do not disclose that the coded graphic array (barcode) is read by a digital pen scanner. Braun et al. disclose using a digital pen to scan a barcode to acquire information, *Column 5, Lines 22-23 of Braun et al.*. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a digital pen for the scanner disclosed by Berstis and Tsubaki et al., because a digital pen is a device that can be used to capture information using a sensor and is small in size and easy to use.

Regarding *Claim 15*, Berstis, Tsubaki et al. and Braun et al. disclose a method according to claim 14, also comprising the saving of the coded array data with the image data. Tsubaki discloses a camera 30 that is in communication with other devices including a database *(Figure 1 of Tsubaki)*. The camera links image data (patient ID information) with an image of a patient *(Abstract and Paragraph 0085 of Tsubaki)*. The image/patient ID/data is acquired using a reader (pointer) and this is stored in the computer 12 and transferred to the camera 30 *(Paragraphs 0070-0072 of Tsubaki)*.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (GB 2347834A), Tsubaki et al. (US Pub No.: 2002/0101619A1) and Braun et al. (US Patent No.: 7082444B2) as applied to claims 1, 13 and 14 above and further in view of Miller (US Pub No.: 2005/0041120A1)

With regard to **Claim 16**, Berstis, Tsubaki et al. and Braun et al. disclose a method according to claim 14, also comprising the combined printing of an image from the image data and a coded graphic array from the coded graphic array data. Tsubaki et al. disclose that information added to the image can be printed (**Figure 8 and Paragraph 0129 of Tsubaki et al.**). However, Berstis, Tsubaki et al. and Braun et al. do not disclose printing the combined image and the coded graphic array (barcode). Miller discloses printing an image along with a barcode/coded graphic array, **Figure 3 and Paragraphs 0034 to 0037 of Miller**. It would have been obvious to one of ordinary skill in the art at the time of the invention to be able to incorporate into the teachings disclosed by Berstis, Tsubaki et al. and Braun et al. the ability to print out the barcode along with the image as disclosed by Miller, so that the data can be associated with the current captured image on a hard copy such as paper.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (GB 2347834A) as applied to claim 19 above and further in view of Ishikawa et al. (US Patent No.: 7298964B2)

In regard to **Claim 20**, Berstis discloses a camera according to claim 19 comprising a local distribution data transmitter using the local communications interface (as disclosed above in claim 19) and capable of transmitting identification data to other pervasive computing devices, **Page 2, Lines 6-27 of Berstis**. However, Berstis does not disclose that the second pervasive device is another camera. Ishikawa et al. disclose cameras communicating and transferring data bi-directionally between each other **(Figure 1 and Column 1, Line 42 to Column 2, Line 57 of Ishikawa et al.)**. It would have been obvious and well-known to one of ordinary skill in the art at the time of the invention to incorporate the camera disclosed by Berstis to be able to communicate and transfer data with another camera of the same type because this is a convenient way of sharing mutual metadata to another camera which can then append it to a captured image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRITHAM PRABHAKHER whose telephone number is (571)270-1128. The examiner can normally be reached on M-F (7:30-5:00) Alt Friday's Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
Supervisory Patent Examiner, Art
Unit 2622

Pritham David Prabhakher
Patent Examiner
Pritham.Prabhakher@uspto.gov
/Pritham Prabhakher/
Examiner, Art Unit 2622